IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8402 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ASSOCIATED CEMENT COMPANIES LTD.

Versus

PRANITABEN ASHWINBHAI RACAL

Appearance:

1. Special Civil Application No. 8402 of 2003
NANAVATI & NANAVATI for Petitioner No. 1
MR HARDIK C RAWAL for Respondent No. 1
MRS MH RAWAL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/08/2004

ORAL JUDGEMENT

1.0 The petitioner herein has challenged the Award dated 20/04/2002 passed by the Labour Court, Ahmedabad in Reference (LCA) No.134 of 1997, at Annexure `A' to the petition, whereby the reference of the petitioner was rejected.

2.0 The petitioner Company was having its Cement Marketing Division for the distribution and marketing of Cement manufactured in various Cement units. Due to several reasons beyond the control of the management, it had sold and transferred its three Cement units while one unit was legally closed in the State of Gujarat. In view of the transfer / closure, the petitioner Company had offered Voluntary Retirement Scheme to its staff.

2.1 It is the case of the petitioner that the respondent herein was never appointed with the petitioner Company nor any appointment letter was issued to the respondent. The petitioner Company had curtailed its activities substantially in the State of Gujarat and a number of workmen were either retrenched or under settlement with the Union and their services were brought to an end.

2.2 The respondent raised an industrial dispute before the Labour Court, Ahmedabad, claiming reinstatement in service with full back wages. The Labour Court, Ahmedabad, by order dated 20/04/2002 allowed the reference of the respondent. Hence, this petition.

3.0 It has been stated at the bar that the learned counsel for the parties have arrived at a consensus. As agreed to by the parties and looking to the facts and circumstances of the case, the petitioner Company is directed to pay Rs.1,50,000/- (Rupees one lac fifty thousand only) as a lumpsum amount, in lieu of her claims with respect to reinstatement in service and all other benefits.

4.0 The award of the Labour Court dated 20/04/2002 is substituted with the order as aforesaid for all the claims of the respondent. The petitioner Company will pay the above amount to the respondent within a period of one month from the date of receipt of writ of this order. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. Jhaveri, J.)

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